IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 27795 of 2007(H)

PETITIONER:

P.MURALEEDHARAN, S/O.NARAYANA PANICKER,
AGED 51, RESIDING AT POLYTECHNIC QUARTER NO.21,
GOVT.POLYTECHNIC COLLEGE, KALAMASSERY.

BY ADV. SRI.JOHNSON P.JOHN
SRI.RAJU SEBASTIAN VADAKKEKKARA

RESPONDENTS:
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1. DIRECTOR OF TECHNICAL EDUCATION,
THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM.

3. THE PRINCIPAL,
GOVERNMENT POLYTECHNIC COLLEGE, KALAMASSERY.

4. P.H.HASHARADHEEN, LECTURER,
SREERAMA POLYTECHNIC COLLEGE,
THRIPRAYAR.

5. T.MOHANAN, LECTURER, GOVERNMENT
POLYTECHNIC COLLEGE, KOTTAYAM.

BY ADV. SRI.V.AJITH NARAYANAN
GOVERNMENT PLEADER SRI.T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.27795/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PROCEEDINGS DT. 28.5.07 OF 1ST RESPONDENT.

EXT.P2:- COPY OF THE RELIEVING ORDER DT. 8.6.07.

EXT.P3:- COPY OF THE ORDER DT. 5.9.07 OF THE 1ST RESPONDENT.

EXT.P4:- COPY OF THE REQUET DT. 15.9.07.

RESPONDENTS EXHIBITS

EXT.R3(a):- COPY OF THE PROCEEDINGS NO.E-1718/07 DT. 14.9.07 ISSUED BY THE PRINCIPAL, SRGPC, THRIPRAYAR.

EXT.R3(b):-COP JOINING REPORT SUBMITTED BY THE 4TH RESPONDENT.

EXT.R3(c):- COPY OF THE RELIEVING ORDER NO.E2/1950/07 DT. 15.9.07.

EXT.R4(a):- COPY OF THE RELIEVING ORDER DT. 14.9.07 FORENOON ISSUED BY PRINCIPAL SRGPTC, THRIPRAYAR.

EXT.R4(b):- COPY OF THE JOINING REPORT DT. 14.9.07 AFTERNOON ISSUE BY PRINCIPAL, GPTC, KALAMASSERY.

EXT.R4(c):- COPY OF THE APPLICATION FOR GENERAL TRANSFER DT. 15.2.07 SUBMITTED BY THE 4TH RESPONDENT.

EXT.R4(d):- COPY OF THE GO(P) NO.12/04/P&ARD DT. THIRUVANANTHAPURAM 10.9.04.

EXT.R4(e):- COPY OF THE ORDER NO.EC5/5754/2007 DT. THIRUVANANTHAPURAM 2.6.07.

EXT.R4(f):- COPY OF THE REPRESENTATION DT. 6.6.07 FROM THE 4TH RESPONDENT TO THE DIRECTOR OF TECHNICAL EDUCATION.

EXT.R4(g):- COPY OF THE JUDGMENT DT. 29.6.07 IN WPC NO.19992/07 BY THE HONOURABLE HIGH COURT OF KERALA.

EXT.R4(h):- COPY OF THE LETTER NO.EC2/2405/07. DT. 1.8.07.

EXT.R4(i):- COPY OF THE ARGUMENT NOTE DT. 18.8.07 SUBMITTED BY THE 4TH RESPONDENT TO THE DIRECTOR OF TECHNICAL EDUCATION.

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EXT.R4(j):- COPY OF THE ORDER NO.EC5/24051/07 DT. THIRUVANANTHAPURAM 5.9.07.

EXT.R5(a):- COPY OF THE TRANSFER ORDER NO.C5/5754/07 DT. 2.6.07 ISSUED BY THE 1ST RESPONDENT.

EXT.R5(b):- COPIES OF THE MEDICAL CERTIFICATES ISSUED BY THE DISTRICT MEDICAL BOARD, KOTTAYAM, INSTITUTE OF COMMUNICATIVE & COGNITIVE NEUROSCIENCES, THIRUVANANTHAPURAM AND CERTIFICATES FROM SPARSH ROUND TABLE, KOTTAYAM.

/TRUE COPY/

P.A. TO JUDGE

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S. SIRI JAGAN, J.

W.P.(C)No. 27795 OF 2007

Dated this the 16th day of October, 2007

JUDGMENT

The petitioner is a lecturer in Government Polytechnic Colleges. While he was working at Kottayam, he obtained transfer to Kalamassery in general transfer on 28.5.2007. Accordingly, the petitioner joined Government Polytechnic College, Kalamassery on 13.06.2007. In a writ petition filed by the 4th respondent, the 1st respondent was directed to consider and pass orders on the dispute between respondents 4 and 5 in the matter of a convenient posting. Now for resolving that dispute, the petitioner has been transferred and the 4th respondent has been accommodated at Kalamassery by Ext.P3 order. The petitioner is challenging Ext.P3 order. By interim order dated 19.9.07 I had directed that the petitioner shall be retained at Kalamassery until further orders.

2. Now it is submitted by the learned counsel for the 4th respondent that there is a vacancy in the Rajiv Gandhi Institute of Technology, Kottayam and he may be accommodated in that

vacancy for the present and his claim for transfer to the Government Polytechnic College, Kottayam, when a vacancy would arise within a span of one month, may be considered. The vacancy at Rajiv Gandhi Institute of Technology, Kottayam is the vacancy to which the petitioner has been directed to be transferred.

3. The learned Government pleader submits that respondents 1 and 2 has no objection to accommodate the 4th respondent in the vacancy at Rajiv Gandhi Institute of Technology, Kottayam.

Accordingly, Ext.P3 order is quashed and the writ petition is disposed of with a direction to the 1st respondent to pass appropriate orders accommodating the 4th respondent at Rajiv Gandhi Institute of Technology, Kottayam and retaining the petitioner at Kalamassery. Orders in this regard shall be passed within one week from today. There would be further direction that as and when the vacancy arises in the Government Polytechnic College, Kottayam, the 4th respondent's claim for transfer to that vacancy shall be considered in accordance with law.

S. SIRI JAGAN, JUDGE

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